



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/689,249

10/20/2003

James A. Vicendese

BBCI

3932

7590

02/21/2006

William S. Ramsey  
5253 Even Star Place  
Columbia, MD 21044

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/689,249

Applicant(s)

VICENDESE ET AL.

Examiner

Jennifer E. Novosad

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,8,9,14,16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8,9,14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This final office action is in response to the amendment filed January 5, 2006 by which claims 1, 2, and 20 were amended, claims 3 and 10-13 were canceled, and claim 22 (see below) was added.

#### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim "22" been renumbered --21--.

#### ***Abstract***

*As previously indicated*, applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

### ***Drawings***

The drawings are objected to because the drawings fail to clearly show the cavity being wider at the bottom than at the top. It is noted that Figure 3 appears to show such a detail but this depiction, where the portion at 15 is wider than at 23, however these elements do not correlate to Figure 5. *Also*, Figure 4 does not look consistent with Figures 2 and 3 since Figure 4 shows the sides of the cavity being parallel and Figures 2 and 3 show the sides of the cavity being tapered from top to bottom. *Accordingly*, these figures appear to not be able to coact together. It is noted that this objection is being set forth in response to the amendment to claim 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of the recitation "with the front side of the platform" in line 6 of claim 1 renders the claim indefinite since it is unclear how the walls of the platform can make an acute angle with themselves.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 8, 9, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,637,707 (Gates et al. '707) in view of U.S. Patent No. 4,019,298 (Johnson, IV '298) and U.S. Patent No. 2,779,114 (Orthwine '114).

Gates et al. '707 disclose a holder comprising a support plate (14) having a front and a back side, whereby the support plate (14) has a platform (28) on the front side with the plate (14) capable of attachment to a vertical surface through screws (20) that extend through holes (16) in the plate (14); an item support (34) having a front side and a back side; an item retainer (12) *capable of holding a trophy or baseball bat* attached to the front side of the item support (34) whereby the item retainer is a U-shaped arm; the item support (12) capable of removably mounting to the support plate (14) by interaction of the platform (28) with the item support (34);

Art Unit: 3634

the item support (34) having a cavity (see Figure 5 - between 44 and 40) which interacts with the platform (28); the walls (see Figure 3) of the support platform (28) forming an acute angle with the support plate (14); the walls of the cavity (see Figure 5) are at an obtuse angle with the item support (34).

The claims differ from Gates et al. '707 in requiring: (a) the support plate to be wider at the bottom whereby the walls of the platform form an acute angle with the front of the plate and a cavity on the back side of the support that is wider at the bottom whereby the walls of the cavity form an obtuse angle to the back wall of the support (claim 1), and (b) a clip having a clasp defined by a front and rear wing (claim 14) at the top of the clip and a tab at the bottom whereby the clip is removably mounted by the tab to the top of an item support (claim 1).

*With respect to (a)*, Johnson, IV '298 teaches the use of a connection assembly whereby a plate (60) has a platform (61) that has an end that is wider than an opposite end whereby the walls of the platform (61) form an acute angle with the plate and a support (65) having a cavity (64) therein which has an end that is wider than an opposite end whereby the walls of the cavity form an obtuse angle with the support, such that the platform and cavity interact together.

*Thus*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the holder of Gates et al. '707 with the platform and support having portions that are wider at one end and which form the specified types of angles, as taught by Johnson, IV '298, for increased support and stability when the elements are attached together while allowing for ease in disassembly therefrom.

Art Unit: 3634

*With respect to (b)*, Orthwine '114 teaches a clip having a clasp at the top defined by a front (16) and rear wing (10), and tab (20) on the bottom of the clip whereby the clip is removably mounted by the tab (20) on the top of a support (see Figure 2).

*Thus*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the holder of Gates et al. '707 and the clip of Orthwine '114 for increased organizational capabilities of the holder since information about what is held by the holder can be stored and viewed in the clip.

#### ***Allowable Subject Matter***

Claims 20 and 21 are allowed.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 8, 9, 14, and 16 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection were necessitated by the amendment adding "the support plate platform is wider..." and "the cavity on the backside of the item support is wider..." in lines 4-6 and 7-10, respectively, of claim 1.

Applicant's arguments regarding the clips of Orthwine and Slavsky and how they are not secured to the respective holders by a "single tab" are noted. *However*, these arguments are considered to be more limiting than what is actually being claimed and therefore are not commensurate with the scope of the claims since the claims do not recite a "single" tab.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

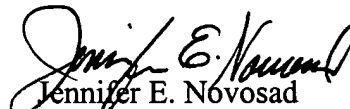
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

February 16, 2006